IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 18471 & 19002 OF 2001

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W.P.NO.18471 OF 2001

Between:

1 K.Santha Kumari W/o K.Radha Krishna, H.No.210, BHEL, Hyderabad.
2 G.Lingam, S/o G.Narsahari, BHEL, Town Ship, Ramachandrapuram, Hyd.

..... PETITIONERS

AND

1. The Government of A.P., Rep by its Secretary, Revenue Dept., Secretariat, Hyderabad
2. The Dist Collector, R.R.Dist, Lakdikapool, Hyderabad
3. The Revenue Divisional Officer, Chevella Division, R.R.Dist, Hyderabad.
4. The Mandal Revenue Officer, Serilingampally Mandal, R.R.Dist, Hyderabad.
5. Narender, Village Administrative Officer, Hafeezpet Village, Serilingampally Mandal, R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order, or direction, more particularly one in the nature of the writ of MANDAMUS directing the respondents to declaring the action of respondents in directing its subordinates to excavate the soil in the petitioner's plots in Sy.No.80 of Hafeezpet Village, Serilingampally Mandal, R.R.Dist without any right or title what so ever, and that too without initiating proceedings Under L.A.Act or any other Act for

acquiring lands and consequently restrain the respondents/ their subordinates from excavating the soil from the petitioners' plots in Sy.No.80 of Hafeezpet Village, Serilingampally Mandal, R.R.District.

Counsel for the Petitioner:MR.B.SUDHAKAR REDDY & B. NEERAJA REDDY

Counsel for the Respondent Nos1 to 5.: GP FOR REVENUE

WRIT PETITION NO : 19002 of 2001

Between:

1 G.Hanumantha Rao S/o.G.Suryanarayana, Plot No.63, MIG 887, BHEL, Ramachandrapuram, Medak District.
2 B.Thirumal Rao S/o.B.Venkatappaiah, Plot No.110, LIG 422, Bharath Nagar,BHEL, Ramachandrapuram, Medak District.
3 V.Mahalaxmi W/o.Sheshagiri, Plot No.129, LIG 906, Bharath Nagar,BHEL, Ramachandrapuram, Medak District.
4 G.Ramakrishna Rao S/o.G.V.Surya, Plot No.111, LIG 423, Bharath Nagar,BHEL, Ramachandrapuram, Medak District.
5 N.Ganga Ratnam W/o.N.Radhakrishna, Plot No.45, LIG 876, BHEL, Ramachandrapuram, Medak District.
6 B.Rajyalakshmi W/o.B.Bhaskar, Plot No.191, MIG 608, BHEL, Ramachandrapuram, Medak District.
7 G.Mahalakshmi, W/o.Ramchander, Plot No.90/1, I0-Repair shop BHEL, Ramachandrapuram, Medak District.
8 B.Munna Devi W/o.B.Siddi Ramulu, Plot No.107,108, LIG 321, BHEL, Ramachandrapuram, Medak District.
9 G.Gangadar S/o.G.Lingaiah, Plot No.18, LIG 902, BHEL, Ramachandrapuram, Medak District.

..... PETITIONERS

AND

1. The Govt.of A.P. Rep.by its Secretary, Revenue Dept., Secretariat, Hyderabad.

2. The Dist.Collector R.R.District, Lakdikapool, Hyderabad.

3. The Revenue Divisional Officer Chevella Division, R.R.District, Hyderabad.

4. The Mandal Revenue Officer, Serilingampally Mandal, R.R.District, Hyderabad.

5. Narender, Village Administrative Officer, Hafeezpet Village, Serilingampally Mandal, R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in nature of Writ of Mandamus directing the respondents to declare the action of respondents in directing its subordinates to excavate the soil in the petitioner's plots in Sy.No.80 of Hafeezpet village, Serilingampally Mandal, Ranga Reddy District, without any right or title whatsoever, and that too without initiating proceedings under L.A.Act or any other Act for acquiring lands and consequently restrain the respondents/their subordinates from excavating the soil from petitioners' plots in Sy.No.80 of Hafeezpet Village, Serilingampally Mandal, R.R.District.

Counsel for the Petitioners:MR.B.SUDHAKAR REDDY & SMT. B.NEERAJA REDDY

Counsel for the Respondent Nos. 1 to 5: GP FOR REVENUE

The Court made the following :

O R D E R:

As the issue involved in both the writ petitions is one and the same, they are being disposed of by way of a common order.

Both the writ petitions are filed for declaring the action of the respondent authorities in instructing their subordinates to excavate the soil in the plots of the petitioners without any right or title over the lands and that too without initiating any land

acquisition proceedings under the Land Acquisition Act as illegal and unconstitutional and seeking a direction to the respondents to restrain the respondents and their men from excavating the soil from the plots of the petitioners.

It is the case of the petitioners that though they are absolute owners/ purchasers of the plots and are in possession and enjoyment of the properties right from the date of execution of the sale deeds, the respondents have resorted to excavate the soil from their lands. Hence, these writ petitions are flied.

Though the matters are of the year 2001, no counter affidavits have been filed by the respondents since then. Hence, I am not inclined to go into the merits of the cases. I deem it appropriate to dispose of the writ petitions restraining the respondents not to excavate the soil from the petitioners' plots, without following the due process of law.

The writ petitions are accordingly disposed of. No costs.

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E.DHARMA RAO J

Dt.11.07.2005

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To

1. The Secretary, Government of A.P., Revenue Department., Secretariat, Hyderabad

2. The Dist Collector, R.R.Dist, Lakdikapool, Hyderabad

3. The Revenue Divisional Officer, Chevella Division, R.R.District, Hyderabad.

4. The Mandal Revenue Officer, Serilingampally Mandal, R.R.Dist, Hyderabad.

5. Narender, Village Administrative Officer, Hafeezpet Village, Serilingampally Mandal, R.R.District.

6. 2 C.Cs to the G.P. for Revenue, High Court of A.P., Hyderabad.

7. 2 C.D.Copies.